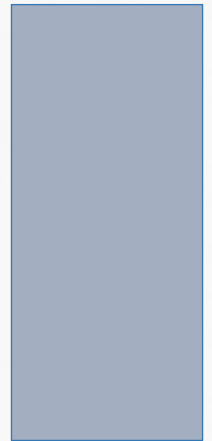




STATE OF ALASKA
TRANSITION PLAN FOR HOME AND
COMMUNITY-BASED SERVICE SETTINGS

CMS REGULATIONS EFFECTIVE MARCH 17, 2014



FEDERAL HOME AND COMMUNITY-BASED SETTING REQUIREMENTS

Intent of 42 CFR 441.301(c)(4), the Final Rule on HCBS Settings

- “To ensure that individuals receiving long-term services and supports through home and community based service (HCBS) programs ... have full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate”
- “To enhance the quality of HCBS and provide protections to participants”



FEDERAL HOME AND COMMUNITY-BASED SETTING REQUIREMENTS

- **HCBS settings must be:**
 - Integrated in, and supporting full access of individuals to the greater community, *to the same degree of access as individuals not receiving HCBS*, including opportunities to
 - seek employment and work in competitive, integrated settings;
 - engage in community life;
 - control personal resources;
 - receive services in the community;
 - Selected by the recipient from among setting options, including non-disability specific settings

FEDERAL HOME AND COMMUNITY-BASED SETTING REQUIREMENTS

- Settings that are not home and community-based:
 - Institutional settings: SNF, ICF/IDD, hospital
 - Any setting co-located with, on the grounds of, or immediately adjacent to a public inpatient institution
 - ***Any location that has the effect of isolating the recipient from the broader community.***



FEDERAL HOME AND COMMUNITY-BASED SETTING REQUIREMENTS

- Service settings presumed to be isolating and not HCB:
- **Certain Supported Employment sites that:**
 - Employ only people with disabilities;
 - Pay sub-minimum wage;
 - Discourage full access to the community

FEDERAL HOME AND COMMUNITY-BASED SETTING REQUIREMENTS

- Service settings presumed to be isolating and not HCB:
- **Day Habilitation Services centers that:**
 - Serve only people with disabilities;
 - Aim to meet all the recipients needs for habilitation services;
 - Impede integration in the larger community



FEDERAL HOME AND COMMUNITY-BASED SETTING REQUIREMENTS

- Service settings presumed to be isolating and not HCB:
- **“Farmstead” Residential Supported Living Services model that**
 - Physically isolates the recipient;
 - Restricts access to the larger community;
 - Brings all services to the recipient



STEPS TO STATE COMPLIANCE

- SDS staff made site visits to several presumptively isolating service settings
 - Assessed potentially isolating aspects;
 - Provided technical assistance
 - State interpretation of CMS assumptions on settings that isolate;
 - recommendations for changes to policy, practice or the physical environment

STEPS TO STATE COMPLIANCE

- Attempted to assess the HCBS status of all service settings
 - Provider *Self-Assessment of Settings Survey*
 - *Setting Qualities Checklist and Exploratory Questions for Home and Community-Based Service Settings*
 - **20% return rate**
 - **80% of service settings unverified**

STEPS TO STATE COMPLIANCE

- Developed *Transition Plan for Home and Community-Based Settings*
- Provided opportunity for public comment
- Submitted Plan March 17, 2014



STEPS TO STATE COMPLIANCE

- **CMS Review of Alaska's Plan**
 - First-level review - the Plan contains all the required components
 - ***State passes***
 - Second-level review – the plan is will verify the home and community-based nature of all service settings
 - ***State deficient***

STEPS TO STATE COMPLIANCE

- **CMS Review of Alaska's Plan**
 - Provider self-assessment inadequate
 - Devise another method to verify the HCB nature of settings
 - Verify all settings where any service (except respite) is provided
 - Remediate non-compliant settings

NEXT STEPS TO STATE COMPLIANCE

- **New approach to training, provider evaluation of settings, and reporting**
 - Mandatory training for Program Administrators;
 - Mandatory verification report on each service setting;
 - Where a setting tends to isolate the recipient, develop and implement remediation plan



NEXT STEPS TO STATE COMPLIANCE

- Settings verification report and provider remediation plans are reviewed by SDS and become public documents;
- **For settings with minor deficiencies** (locks on doors, food at all time, etc.) provider must develop and implement a formal *Remediation Plan*
 - SDS will provide technical assistance, monitor remediation;
 - Provider must resolve all settings compliance issues as a condition of SDS certification.

NEXT STEPS TO STATE COMPLIANCE

- **For presumptively non-HCBS settings** (supported employment, day habilitation centers, farmstead model):
 - SDS will use the verification report as the primary tool for collecting information to refute the presumption that these sites are not home and community-based;
 - CMS will perform this “heightened scrutiny” and make the final decision on the status of the site:
Community-based or not community-based

NEXT STEPS TO STATE COMPLIANCE

- SDS amended the *Transition Plan* to include the new settings verification process;
- Currently seeking public comment until October 15, 2015;
- The *Transition Plan* must be resubmitted to CMS by October 17, 2015;
- All HCBS settings must be verified and remediated by July 1, 2018.





WE APPRECIATE YOUR COMMENTS

PLEASE SEND PUBLIC COMMENT TO:

- **Jetta Whittaker, PO Box 110680,
Juneau AK 99811-0680**
- **jetta.whittaker@alaska.gov**
- **Comments will be accepted until
October 15, 2015**